

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Rockwell Lime Company
Manitowoc, Wisconsin

Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(1)

NOTICE OF VIOLATION

EPA-5-04-WI-03

NOTICE OF VIOLATION

The United States Environmental Protection Agency (U.S.EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). U.S. EPA finds that Rockwell Lime Company (Rockwell Lime) is violating the Wisconsin State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. On June 19, 1978, under Part C of the Clean Air Act (Act), 42 U.S.C. §7470 et seq., U.S. EPA promulgated federal regulations for the Prevention of Significant Deterioration at 40 C.F.R. §52.21. These regulations were applicable in any portion of the State of Wisconsin where the existing air quality is better than the national ambient air quality standards, and were incorporated into Wisconsin's State implementation plan (SIP).
2. On May 27, 1999, U.S. EPA approved the State of Wisconsin's Prevention of Significant Deterioration (PSD) rules, Natural Resources (NR) 405.01 through NR 405.17, as part of the Wisconsin SIP.
3. NR 405.08 requires each "major stationary source" or "major modification" subject to the PSD regulations to apply the best available control technology (BACT).

Rockwell's Facility


4. Rockwell Lime owns and operates a lime kiln facility at 4110 Rockwood Road in Manitowoc, Wisconsin 54220-9619 (the facility).

5. At the facility, Rockwell Lime owns and operates two lime kilns, Lime Kiln #1 and Lime Kiln #2. These kilns are "major stationary sources" under NR 405.08.
6. On September 27, 1979, U.S. EPA issued a PSD permit for Lime Kiln #2 (EPA-5-A-79); the State of Wisconsin issued an amended PSD permit on February 7, 1995 (# 93-RV-108).
7. Under both the 1979 and 1995 permits, emissions from Lime Kiln #2 are subject to a 24-hour BACT limit of 2.1% limit on sulfur present in the combustion fuel.
8. The 1995 permit explicitly states that the 2.1% BACT limit on sulfur is to be met under the condition that the sulfur input into Lime Kiln #2 does not exceed 147 pounds of sulfur per hour, averaged over a 24-hour period. (See Section A1, note 2)
9. In response to an August 21, 2003 Request for Information sent by U.S. EPA, Rockwell Lime has submitted daily solid fuel analyses.
10. On July 16 and September 15, 2003, representatives of U.S. EPA inspected the facility.
11. At the facility, Rockwell Lime maintains records showing monthly averages related to the 24-hour BACT sulfur limit.

Violation

12. Rockwell Lime has failed to meet the 2.1% BACT limit in its PSD permit of 147 pounds of sulfur per hour, averaged over a 24-hour period, at Lime Kiln #2, for the period of January 1997 through August 2003. These exceedances constitute violations of the PSD regulations and the Wisconsin SIP.

11/25/2003
Date


Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Notice of Violation,
No. EPA-5-04-WI-03, by Certified Mail, Return Receipt Requested,
to:

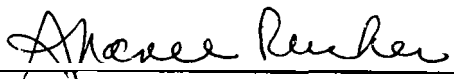
Donald Brisch, President
Rockwell Lime Company
4110 Rockwood Road
Manitowoc, Wisconsin 54220-9619

I also certify that I sent copies of the Notice of Violation
by first class mail to:

William Baumann, Chief
Compliance and Enforcement Section
Bureau of Air Management
Wisconsin Department of Natural Resources
101 S. Webster St.
P.O. Box 7921 (AM/7)
Madison, WI 53707

Rick Wulk, Supervisor
Northeast Region
Wisconsin Department of Natural Resources
1125 N. Military Ave.
P.O. Box 10448
Green Bay, WI 54307

on the 1st day of December 003.



Shanee Rucker,
Administrative Program Assistant
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0296 0886